SOUTHERN DISTRICT OF NEW YORK		
In re:	-X :	Chapter 11
LEHMAN BROTHERS HOLDINGS INC., et al.,	:	Case No. 08-13555 (JMP)
Debtors.	:	(Jointly Administered)
	:	
	: -x	

UNITED STATES BANKRUPTCY COURT

In re: : SIPA Proceeding

LEHMAN BROTHERS INC., : Case No. 08-01420 (JMP)

Debtor.

# STIPULATION AND ORDER CONCERNING DESIGNATIONS

Lehman Brothers Holdings Inc.; James W. Giddens, as Trustee for the SIPA liquidation of Lehman Brothers Inc.; the Official Committee of Unsecured Creditors of Lehman Brothers Holdings Inc. (collectively, "Movants"); and Barclays Capital Inc. ("Barclays"), hereby stipulate to the following:

1. As part of their case in chief, the Movants designated selected deposition testimony from 18 witnesses: Paolo Tonucci, Alex Kirk, Michael Klein, Victor Lewkow, Edward Rosen, Michael Keegan, Stephen King, Gary Romain, David Petrie, Marty Malloy, Paul Exall, Alvin Brown, Robert Messineo, Alastair Blackwell, James Hraska, Nancy Denig, Anson Frelinghuysen, and Christopher Kiplok. Barclays counter-designated selected deposition testimony from those same 18 witnesses.

- 2. As part of its case in chief, Barclays designated selected deposition testimony from 40 witnesses: Saul Burian, James Kobak, Bryan Marsal, Harvey Miller, David Coles, James Fogarty, Andrew Keller, Mary Korycki, Philip Kruse, Dennis O'Donnell, Barry Ridings, Robert Azerad, Alastair Blackwell, Eric Clark, Daniel Dziemian, Eric Felder, Daniel Fleming, James Hraska, Craig Jones, Alan Kaplan, Michael Keegan, Uma Krishnan, Richard Landreman, Gerard LaRocca, Robert Martini, Hugh (Skip) McGee, David Petrie, John Rodefeld, Sean Teague, Paolo Tonucci, Mark Washtell, Jasen Yang, Michael Fazio, Anson Frelinghuysen, Marlo Karp, Christopher Kiplok, Bart McDade, Robert Messineo, Noel Purcell and Conor Tully. Movants counter-designated selected deposition testimony from those same 40 witnesses.
- 3. On November 16, 2010, the parties submitted to the Court full and accurate copies of the designated and counter-designated testimony from the witnesses (the "Designated Testimony") in which Barclays' designations and counter-designations appear highlighted in blue and Movants' designations and counter-designations appear highlighted in yellow, as well as a chart cross-referencing the deposition exhibit numbers referenced in the Designated Testimony to Movants' and Barclays' trial exhibit numbers (the "Exhibit Chart"). The Designated Testimony and the Exhibit Chart are attached hereto.
- 4. Upon Court approval of this Stipulation, the Designated Testimony shall be admitted into evidence as BCI Exhibit 1108, in accordance with the Court's comments during the evidentiary hearing on October 18, 2010, without prejudice to the parties' ability to argue that specific testimony included within the Designated Testimony should be given less weight based on lack of personal knowledge or lack of foundation.

Dated: New York, New York November 16, 2010

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#### **SO ORDERED:**

Dated: New York, New York November 22, 2010

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## s/ James M. Peck

HONORABLE JAMES M. PECK UNITED STATES BANKRUPTCY JUDGE